IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 6267 of 1995

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GHANSHYAMBHAI CHUNILAL DARJI - Petitioner(s)
Versus
SECRETARY & 3 - Respondent(s)

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Appearance :
MR BIPIN P JASANI for Petitioner(s) : 1,
MS REETA CHANDARANA, AGP for Respondent(s) : 1, 4,
MR SUNIL K SHAH for Respondent(s) : 2 - 3.
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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 17/03/2006

ORAL JUDGMENT

1.The petitioner claiming to be the cousin brother of one Chanchalben Darji has challenged certain orders passed by the authorities against said Smt.Chanchalben Darji.

Smt.Chanchalben Darji was a Government servant employed by the District Panchayat. She was recruited in the year 1960. After 12.8.71, she did not perform any duties and remained absent without leave. Disciplinary proceedings were taken against her and order dismissing her from service was passed by the Disciplinary Authority. However, on more than one occasion, the Appellate Authority remanded the proceedings. In the meantime, the lady expired on 12.6.84. The petitioner who claims to be the cousin brother represented before the Authorities.

2. The Authorities passed an order dated 28th October 1991 and confirmed the earlier order of dismissal of Chanchalben with effect from 2.11.81. This order was confirmed in revision application filed by the petitioner by which the Authorities rejected the application on 12.10.92. Subsequently, however, the Authorities passed a fresh order dated 7th March, 1994 by which the petitioner was ordered to be compulsorily retired from 1971. The petitioner has challenged the said orders and claimed the benefits of pension and other retiral benefits. The petitioner also claims to have obtained a succession certificate from the civil court.

3.The petitioner has nowhere disclosed his relation with the deceased Government servant. What the petitioner means by being a cousin is not clarified. Learned advocate for the petitioner also is unable to throw any light on this aspect of the matter. Therefore, though I find that the orders passed by the authorities suffer from legal lacuna, the same cannot be interfered with at the instance of the petitioner whose locus standi I do not find established. In that view of the matter, the petition cannot be entertained and the same is therefore rejected. Rule is discharged with no order as to costs.

(Akil Kureshi, J.)

(vjn)